

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 22-12-2015

CORAM:

THE HONOURABLE MR. JUSTICE A. SELVAM

CrI.R.C.No.1360 of 2015

V.M. Mohan
President (Corporate Finance)
The India Cements Limited
"Coromandel Towers"
93, Santhome High Road
Karpagam Avenue
R.A.Puram
Chennai - 600 028 ...Petitioner

Vs.

State represented by
The Inspector of Police,
CBI/ACB
Chennai - 600 006 ...Respondent

Criminal Revision Cases under Section 397 and 401 of Cr.P.C., to set aside the order dated 16-12-2015 of the Principal Special Judge for CBI cases, Chennai in CrI.M.P.No.682 of 2015 in RC 12 (A) of 2013 and direct the respondent to return of the original documents relating to 11 cars referred to above, which was seized on 21-03-2013 by the respondent in R.C.No.12(A) 2013 2013 which are in their custody and pass orders.

For petitioner :: Mr. N. Chandrasekaran

For respondent :: Mr. B. Mohan, Spl.P.P.
for CBI cases

ORDER

This Criminal Revision Case has been directed against the order dated 12th December 2015 passed in CrI.M.P.No.682 of 2015 in RC 12A1/ 2013 by the Principal Sub-Judge for CBI cases, Chennai.

2. The revision petitioner as petitioner has filed the petition in CrI.M.P.No.682 of 2015 under Section 451 of the Code of Criminal Procedure, 1973 praying to return the documents relating to 11 cars which have been seized on 21-03-2013 by the respondent in RC 12A/2013.

3. It is averred in the petition that the respondent has seized the documents mentioned in the petition on 21-03-2013 and the same are no longer required for conducting further investigation and since the documents mentioned in the petition have been seized from the petitioner, the present petition has been filed for getting the relief sought therein.

4. The Court-below has dismissed the petition and against the dismissal order, the present criminal revision case has been preferred at the instance of the petitioner as criminal revision petitioner.

5. The learned counsel appearing for the revision petitioner has contended that the documents mentioned in the petition have been seized from the petitioner, on 21-03-2013 in connection with R.C.No.12A/2013 and since those documents are not at all necessary for conducting further investigation, the same can be returned to the petitioner. Under the said circumstances, the present petition has been filed and even though on the side of the respondent an endorsement has been made, the Court-below without considering the same has erroneously dismissed the petition and therefore, the dismissal order passed by the Court-below is liable to be set aside.

6. Per contra, the learned Special Public Prosecutor has contended that the investigation in respect of the case registered in R.C. No.12A/2013 is pending. Under the said circumstances, the dismissal order passed by the Court-below is perfectly correct and the same does not call for any interference.

7. On the basis of the divergent submissions made on either side, the Court has to analyse as to whether the order passed by the Trial Court is perfectly correct or the same requires to be interfered with.

8. As rightly pointed out on the side of the revision petitioner, the learned Special Public Prosecutor has submitted a memo wherein it is stated like thus,

"Documents pertaining to vehicles involved in the petition are not required for Investigating Officer for investigation."

On the basis of the memo filed on the side of the respondent, it is very clear that the documents in question are no longer required for conducting further investigation. The Court-below without considering the memo filed on the side of the respondent has erroneously dismissed the petition and therefore, the dismissal order passed by the Court-below is liable to be set aside.

In fine, the criminal revision case is allowed. The dismissal order passed in CrI.M.P.No.682 of 2015 in R.C. 12A1/2013 is set aside. However, the revision petitioner/petitioner is directed to file an undertaking to the effect that he will produce the documents before the Trial Court as and when the same is required.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

To

The Inspector of Police,
CBI/ACB
Chennai - 600 006

+1cc to Mr.K.Srinivasan, Advocate, S.R.No.69389
+1cc to Mr.N.Chandrasekaran, Advocate, S.R.No.69115

CrI.R.C.No.1360 of 2015

ad(CO)
srg(11/01/2016)

सत्यमेव जयते

WEB COPY